

Docket No. 22338-1016

U.S. Patent Application No. 10/660,128

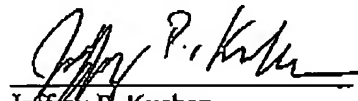
RECEIVED  
CENTRAL FAX CENTER  
SEP 01 2006REMARKS

The Examiner has imposed a restriction under 35 U.S.C. §121 and is requiring an election between Group I, claims 1-17 and 25-28 drawn to an antibody that binds DR4, classified in class 530, subclass 388.22, Group II, claims 18-24 drawn to nucleic acid, vector, host cell and method of making an antibody using the host cell, classified in class 536, subclass 23.53 and Group III, claims 29-37 drawn to method of inducing apoptosis, classified in class 424, subclass 143.1. Applicant elects to prosecute the subject matter of Group III. Applicant expressly reserves their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Claims 1-37 were pending in the application but have been cancelled, without prejudice, by the present amendment. Claims 38 to 151, which pertain to the elected subject matter of Group I, have been added to the application. Applicant wishes to notify the examiner that, pursuant to 35 U.S.C. § 135(b) and MPEP § 2307.05, claims 38 to 146 have been copied from U.S. Patent No. 7,060,272 ("the '272 patent"). Claims 38 to 146 of the present application correspond to claims 1 to 29, 57 to 80, 105 to 132, 161 to 184 and 209 to 214 of the '272 patent. No new matter is introduced by the claim amendment as the new claims find support throughout the specification at, *inter alia*, pages 8-30, 58 to 68, SEQ ID NOS:1 and 2, Examples 1-3, 10 and 15-17 and Figures 1-4 and 8-16.

Any fee required by this document pursuant and not submitted herewith should be charged to Deposit Account No. 18-1260, referencing Docket No. 22338-1016. Any refund should be credited to the same account.

Respectfully submitted,



Jeffrey P. Kushan  
Registration No. 43,401  
Attorney for Applicant

SIDLEY AUSTIN LLP

1501 K Street, N.W.  
Washington, D.C. 20005  
Phone: 202-736-8000  
Fax: 202-736-8711

Date: September 1, 2006